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SUBJECT: DEPUTY SECRETARY'S MEETING WITH GUATEMALAN CIVIL SOCIETY

REF: GUATEMALA 700

Classified By: Ambassador James Derham for reasons 1.4(b,d).

¶1. (SBU) Summary: Deputy Secretary Negroponte visited Guatemala June 5-6. On June 6, he met with civil society leaders to discuss human rights and other key social issues. Civil society leaders expressed concern over impunity and corruption, and stressed the need to strengthen state institutions to address the increasing level of violence. They also highlighted the need for tax reform and greater investment in social development to alleviate poverty. The Deputy Secretary reiterated that the United States has a strong interest in Guatemala and that it would continue to support its efforts to combat impunity through the Merida Initiative and other assistance programs. End Summary.

#### Weakness of State Institutions

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¶2. (SBU) On June 6, Deputy Secretary Negroponte, accompanied by WHA Assistant Secretary Shannon, Ambassador Derham, and staff, met with Guatemalan civil society leaders during a two-day visit to Guatemala. The leaders raised a number of social issues, including human rights, corruption, and impunity, and stressed the need to strengthen state institutions to more effectively combat violence.

¶3. (SBU) Human Rights Ombudsman Sergio Morales commented that Guatemala faces many challenges -- a poor population, a weak state, a tight budget, rampant corruption -- but his greatest concern was impunity. He noted that impunity affects all sectors of society but that the state is unable to meet even its minimal obligations due to institutional weaknesses. He estimated that 97 percent of all crimes are never prosecuted.

(Note: In contrast, in recent press reports, the Attorney General's Office claimed that 43.9 percent of all cases, including cases "dismissed for lack of merit" or mediated, are resolved.)

¶4. (SBU) According to Helen Mack, Director of the Myrna Mack Foundation, impunity not only affects all sectors but also impedes democratic development and has an economic cost. Corruption extends to political parties as well as public officials. Relating her own experience with the judicial system in the aftermath of the 1990 murder of her sister, she noted that it took 14 years and the support of the international community to obtain a conviction against three former military officers, who nevertheless remain at large. She counted herself among the fortunate few -- the "elite" -- who had the political influence to obtain the support of the international community to press for results. Manfredo Marroquin, Executive Director for Citizen Action, identified the lack of consensus for legal reform as a major impediment to institutional strengthening.

Legacy of Internal Conflict

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**¶5.** (SBU) Civil society leaders discussed the impact of the internal conflict on the current climate of impunity. Mario Minera, Executive Director of the Human Rights Legal Action Center (CALDH), noted that his organization has been involved in bringing legal action against former military officers for human rights abuses allegedly committed during the internal conflict. He said that most cases remain unresolved and emphasized the importance of human rights monitoring by the international community. Former Vice Minister of Foreign Affairs Marta Altolaguirre expressed concern over the lack of investigations and stressed the need to systematize the investigative process within the Attorney General's Office. Qinvestigative process within the Attorney General's Office.

**¶6.** (SBU) Freddy Peccerelli, Executive Director of the Guatemalan Forensic Anthropology Foundation (FAFG), characterized the current climate of impunity as a legacy of the armed conflict. He noted that 236 women were killed in Guatemala City in 2006, but that very few perpetrators were apprehended and that one-third of the victims were not even identified. He added that no one in the military had yet been prosecuted for massacres and genocide committed during the internal armed conflict, which claimed 160,000 lives and "disappeared" an additional 40,000 to 45,000. He complained that the former members of the Civil Defense Patrol recently convicted and sentenced for the 1982 Rio Negro Massacre were convicted of murder rather than genocide (reftel).

**¶7.** (SBU) According to Human Rights Ombudsman Morales, there are four or five military officers currently serving prison sentences but not for crimes committed during the internal conflict. Morales explained that there is a law of national reconciliation that pardons politically motivated killings committed during the internal conflict but that it excludes genocide and massacres.

#### Tax Reform

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**¶8.** (SBU) Civil society leaders discussed the need for tax reform. They noted the lack of economic security and the need for more tax revenues to strengthen state institutions. Gustavo Porras, Consultant for the Dutch Institute for Democracy, said that many companies, including 15 large sugar exporters, pay minimal tax. Raquel Zelaya, Executive Director of the Association for Research and Social Studies (ASIES), pointed out that the state lacks resources and has no effective means of prosecuting tax evaders. She estimated that the government invests less than 12 percent of state revenues in social development and that Guatemalans perceive the state as ineffective in ensuring their economic security. (Note: In 2007, tax revenues totaled Q31,543.3 million (USD 4,206 million), or 12.3 percent of GDP.)

#### CICIG

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**¶9.** (C) Helen Mack expressed doubt over the ability of the UN-led International Commission against Impunity in Guatemala (CICIG) to achieve real advances in combating impunity given the lack of cooperation by some Guatemalan government institutions, the difficulty of collecting evidence for investigations, and its two-year mandate. She noted that it took one year to install and staff CICIG, and that its effectiveness will be limited because "everyone's hands are tainted."

#### Merida Initiative

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**¶10.** (SBU) Mack complained that the \$50 million proposed for Central America under the Merida Initiative is insufficient, especially given that Guatemala shres a porous border with Mexico. Former Vice Miister Altolaguirre expressed concern over the growing problem of Mexican narcotraffickers crossing the border into Guatemala. The influx of narcotrafficking is affecting Guatemala's social climate, including its lack of social development, lack of opportunities, and socio-economic disparity. WHA Assistant Secretary Shannon outlined the Merida Initiative, and said that assistance levels could grow

if recipient governments show progress.

Support for Guatemala

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¶11. (SBU) Deputy Secretary Negroponte expressed appreciation for the group's insights and perspectives. He acknowledged the many challenges confronting Guatemala and reiterated the U.S. commitment to support Guatemala, both through the Merida Initiative and ongoing bilateral assistance programs.

¶12. (U) This cable has been cleared by D staff.  
Derham